

REMARKS

In the October 22, 2008 final Office Action, all of the claims 1-15 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the October 22, 2008 final Office Action, Applicants have amended claims 1-5, 7, 8, 11-13 and 15 as mentioned above. Also, Applicants have added new claims 16-22. Thus, claims 1-22 are now pending, with claims 1 and 15 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the following comments.

Information Disclosure Statements – 3rd Request

KR1998-071723, which was cited in the November 21, 2007 Information Disclosure Statement, was not initialed as being considered on the form 1449 attached to the April 21, 2008 Office Action. Since US 5,927,093, which was also cited in this Information Disclosure Statement, is an English language counterpart of KR1998-071723 (and was submitted in lieu of translation) in accordance with M.P.E.P. §609.04(a) on page 600-153 of the M.P.E.P., Applicants respectfully request that this reference be initialed on form 1449 as being considered.

Also, Japanese 1998 Cooling and Heating Handbook, Air Conditioning Volume, Mitsubishi Heavy Industries, Ltd., which was cited in the May 30, 2006 Information Disclosure Statement, was not initialed as being considered on the form 1449 attached to the April 21, 2008 Office Action. Since a concise statement of the relevance of this publication was provided in the May 30, 2006 Information Disclosure Statement in accordance with M.P.E.P. §609.04(a) on page 600-153 of the M.P.E.P., Applicants respectfully request that this reference be initialed on form 1449 as being considered.

Rejections - 35 U.S.C. § 103

On pages 2-4 of the Office Action, claims 1-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication No. 2003-262435 (Kishimoto) in view of Japanese Patent Publication No. 2002-276970 (Tamura). In response, Applicants have amended independent claims 1 and 15 as mentioned above.

Independent claims 1 and 15 now require, *inter alia*, a first branch nozzle part connected to said first outlet pipe part and extending along said first direction to a first tip part with a first free end aligned with said first outlet pipe part, the first tip part having a flared part; a second branch nozzle part connected to said second outlet pipe part and extending along said first direction to a reducer pipe connecting part with a second free end aligned with said second outlet pipe part, said second free end being spaced a distance in said first direction from said first free end of said first tip part, and said reducer pipe connecting part having a pipe diameter that reduces in steps as the second free end is approached; and a first branch pipe with an end received in the flared part and connected to said first tip part of said first branch nozzle, said first branch pipe being bent so that another end faces a direction that intersects said first direction in a state in which said first branch pipe is connected to said first branch nozzle part within said flared part, and said first branch pipe having a maximum length measured along said first direction that is smaller than said distance between said first and second free ends such that said reducer pipe connecting part projects in said first direction beyond said first branch pipe. These Amendments are at least supported by page 11 of the instant specification and Figures 4 and 8 of the instant application. Clearly, this unique arrangement is not disclosed or suggested by the Kishimoto publication and/or the Tamura publication, whether taken singularly or in combination, as explained below.

Specifically, the Kishimoto publication (JP2003-262435), at best, only discloses one branch nozzle part having a free end aligned with the first outlet pipe part, **not** two such branch nozzle parts. Moreover, the Kishimoto publication (JP2003-262435) does not disclose a combination of a flared end on one branch nozzle part and a reducer pipe part on the other branch nozzle part, or such ends being axially spaced, as now claimed and best understood from Figures 4 and 8 of the instant application. The Tamura publication (JP2002-276970) is merely relied upon to disclose heat insulating material 7, which the Office Action alleges would cover the branching pipe joint as previously claimed. However, the Tamura

publication (JP2002-276970) suffers from the same deficiencies as the Kishimoto publication (JP2003-262435) with respect to independent claims 1 and 15, as now amended. In other words, the Tamura publication (JP2002-276970) also fails to disclose branch nozzle parts with free ends aligned with the corresponding outlet pipe part, a combination of a flared end on one branch nozzle part and a reducer pipe part on the other branch nozzle part, or such ends being axially spaced, as now claimed and best understood from Figures 4 and 8 of the instant application. Thus, even if one of ordinary skill in the art combined the Kishimoto publication (JP2003-262435) and the Tamura publication (JP2002-276970) as suggested in the Office Action, such a hypothetical combination would not result in the unique arrangements of independent claims 1 and 15, as now amended. Accordingly, withdrawal of this rejection of independent claim 1 is respectfully requested.

Independent claim 15 further requires, *inter alia*, connecting said branching pipe joint to said union connecting piping in accordance with a number of said outdoor units prior to connecting said first branch pipe to said branching pipe joint, said branching pipe joint being connected to said union connecting piping in a horizontal arrangement so that said first branch nozzle part and said second branch nozzle part serve as a horizontal branch arrangement at a common height position; and connecting said first branch pipe to said first branch nozzle such that said other end part of said first branch pipe is horizontally disposed relative at the common height position of said first and second branch nozzle parts, and subsequently moving said first branch pipe relative to said first branch nozzle part to a height position spaced from said common height position in order to connect said union connecting piping to a connection port of one of said outdoor units that is disposed at the height position spaced from the common height position. Applicants further believe that this unique arrangement is not disclosed or suggested by the Kishimoto publication and/or the Tamura publication, whether taken singularly or in combination, as explained below.

The Kishimoto publication (JP2003-262435) does not indicate the branching method of independent claim 15. Moreover, paragraph [0018] of the Kishimoto publication indicates "The bottom branch pipe 23 is arranged at the state where it inclined to the level surface, and the 2nd end connection 27 is in a position higher than the 4th end connection 32." Thus, the branching method of the Kishimoto publication *teaches away* from the horizontal branch arrangement of the Y-pipe shaped branch part of independent claim 15. The Office Action

does not address these deficiencies of the Kishimoto publication, which were pointed out in the Arguments of the July 14, 2008 Amendment. Moreover, the Tamura publication (JP2002-276970) does not account for these deficiencies of the Kishimoto publication with respect to independent claim 15. Accordingly, withdrawal of this rejection of independent claim 15 is respectfully requested.

Under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some "apparent reason to combine the known elements in the fashion claimed." Id. at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create Applicants' unique arrangement of independent claim 15.

Applicants believe that the dependent claims 2-14 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-14 are further allowable because they include additional limitations, which in combination with the limitations of independent claim 1, are not disclosed or suggested in the prior art of record. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims. Accordingly, withdrawal of this rejection of claims 2-14 is respectfully requested.

New Claims

Applicants have added new claims 16-22 by the current Amendment. New claims 16-22 depend from independent claims 1 and 15, and thus, are believed to be allowable for the reasons discussed above with respect to independent claims 1 and 15. . Also, new dependent claims 16-22 are further allowable because they include additional limitations, which in combination with the limitations of independent claims 1 and 15, are not disclosed or suggested in the prior art of record.

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Amendment dated February 19, 2009
Reply to Office Action of October 22, 2008

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In view of the foregoing comments, Applicants respectfully assert that claims 1-22 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this Response, please feel free to contact the undersigned.

Respectfully submitted,

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